

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana, against the Proceedings Rc. No.334/02/C4, dated 15.4.2012 of the Collector, Guntur District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 61

Dated:06.07.2013.
Read the following.

1. Proceedings of the District Collector, Guntur, Rc. No. 334/02/C4, dated 15.4.2012.
2. Appeal petition filed by Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana, R/o O/o New India Assurance Company Ltd., Station Road Branch, Guntur District, filed before M(TW& RIAD), dt. 27.04.2012.
3. Govt. Memo No. 6297/CV.2/2012, SW(CV.2) Dept., dated 4.5.2012 and reminders thereon.
4. From the District Collector, Guntur, Rc No, 334/02/C4, dated 10.6.2012 received on 26.01.2012.
5. Govt. Memo No. 6297/CV.2/2012, SW(CV.2) Dept., dated 10.07.2012
6. From the District Collector, Guntur, Lr. Rc No, 334/02/C4, dated 10.8.2012.
7. Govt. Memo No. 6297/CV.2/2012, SW(CV.2) Dept., dated 20.10.2012.
8. Govt. Memo No. 6297/CV.2/2012, SW(CV.2) Dept., dated 21.11.2012.
9. Written Arguments dated: 3.12.2012 filed by the Counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, Guntur has issued orders canceling Scheduled Tribe Certificates obtained from the then Tahsildar, Guntur by Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana O/o New India Assurance Company Ltd., Station Road Branch, Guntur District.

2. In the reference 2nd read above, Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana has filed an Appeal Petition before the Government against the orders of the District Collector, Guntur. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders were issued on the proceedings of the District Collector, Guntur and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 3rd read above.

3. In the reference 4th and 6th read above, the District Collector, Guntur has furnished the parawise remarks and connected records of Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana.

4. The said Appeal Petition has been posted for hearing on 30.10.2012 finally on 03.12.2012 and the same has been informed to the appellants and they were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of their community claim in the references 7th and 8th read above. The Appellants were present and argued the case and explained their community status and the Appellants filed written arguments before the Appellate Authority in the reference 9th read above.

p.t.o.

5. Government have examined the records and Proceedings of the District Collector, Guntur dated. 15.4.2012, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences submitted by the Appellants, among other things the appellant has contented that her father was holding ST caste certificate as evidence that he belongs to Konda Kapu, which was issued by the Collector, East Godavari District in the year 1954 and also the extracts of the SSLC certificate dt 12.7.1952 issued by the Head master, ULCM, High School, Peddapuram of East Godavari District, which reveals that her father's caste is Konda Kapu and being a natural daughter, the same caste is applicable to her. Further she contented that her father got employment in postal Dept Guntur, based on his ST caste certificate and thereby he settled at Guntur. Further, she has stated that since, they were born and brought up in the plain area of Guntur, they have adopted the local life style. Simply because of their life style and also they are far away from their native, it cannot be construed that their original caste will go along with their life style. The appellant held that the Tahsildar, Guntur has rightly issued the caste certificate. She has therefore, requested to set aside the proceedings of the Collector, Guntur.

6. Government after careful examination of the documentary evidences/ writer arguments furnished by the appellant and her counsel/ the material papers, copies of several documents, it is observed that the father of the appellant has obtained the ST Konda Kapu Certificate which was issued by the District Collector way back more than 50 years and all the educational certificates of the Appellant's father evince that she belongs to KondaKapu. The same caste will be naturally and automatically will apply to his children being naturals. It appears that by virtue of employment to eke out livelihood, the appellant's father got employment at Guntur District and settled there itself. Naturally, the local life style influences the individuals residing in the area and undergo changes as per that environment. As per the report of the authorities of Guntur District, who appear to have recorded the statements of her husband, elder sister and a colleague of her father in Postal Dept., who have categorically stated that her father and the appellant belongs to ST community even though she married with a non-tribe. It is observed that her husband himself submitted that she is ST Konda Kapu. The authorities never denied about the original native place of the appellant's father i.e., Peddapuram in East Godavari District. Therefore, the Appellate Authority is of the opinion that cancellation of the Caste Certificate of Smt Surineedi Nagalakshmi by the Dist. Collector, Guntur simply on the ground that the Tahsildar, Guntur is not competent as he not being an officer of the father's native District is not appropriate.

7. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana O/o New India Assurance Company Ltd., Station Road Branch, Guntur District and the Proceedings of the District Collector, Guntur, issued in the 334/02/C4, dated 15.4.2012 is hereby set aside, by upholding the ST 'Konda Kapu' community certificates dated 06.11.1976, 21.10.1976 and 16.08.1980 issued by the Tahsildar, Guntur in favour of Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana O/o New India Assurance Company Ltd., Station Road Branch, Guntur District.

8. The District Collector, Guntur shall take necessary action in the matter.

9. The records (containing Roc. No. C3/6990/2006, dated 03.02.2009, pages 01 to 460 CF) received from District Collector, Guntur District, through 6th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To
The District Collector, Guntur (we) (By RPAD)
(with original records).

Smt. Surineedi Nagalakshmi D/o Surineedi Satyanarayana
O/o New India Assurance Company Ltd., Station Road Branch,
Guntur District.

Copy to:

The Commissioner of Tribal Welfare, AP, Hyderabad/ the Director,
TCR& TI, AP, Hyderabad.

P.S. to Minister (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER